

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Application of

CRYSTALLEX INTERNATIONAL
CORPORATION,

Petitioner,

For a Judgment Pursuant to Federal Rule of Civil
Procedure 69, and CPLR 5225(b) and 5227, to
Compel Payment of Money and Delivery of
Property,

v.

THE BANK OF NEW YORK MELLON,

Respondent,

and

THE MINISTRY OF DEFENSE OF THE
BOLIVARIAN REPUBLIC OF VENEZUELA,

Proposed Intervenor-
Respondent.

Case No. 17 Civ. 7024 (VSB)

**STIPULATION
AND [PROPOSED]
FINAL JUDGMENT**

WHEREAS, Petitioner Crystallex International Corporation ("Petitioner") filed its
Petition for Turnover Pursuant to Federal Rule of Civil Procedure 69 and CPLR 5225(b) and
5227 on September 14, 2017 (the "Petition") [ECF No. 1];

WHEREAS, the subject of the Petition is the funds in an account (the "Account")
established pursuant to a Trust Agreement (the "Trust Agreement"), dated June 17, 1997,
between The Bank of New York, as predecessor-in-interest to The Bank of New York Mellon, as
trustee ("Respondent") and The Republic of Venezuela, now known as The Bolivarian Republic
of Venezuela ("Venezuela");

WHEREAS, on April 2, 2018, the Court entered a Stipulation and Proposed Order and
Judgment [ECF No. 32] (the "Stipulation"), approving the turnover to Petitioner of the funds in

the Account, subject to the lifting of the preliminary injunction issued by the United States District Court for the Southern District of Mississippi (the "Preliminary Injunction") in an action between Huntington Ingalls Industries and The Ministry of Defense of the Bolivarian Republic of Venezuela pending in that court with civil action number 1:02cv785 (the "Mississippi Action").

WHEREAS, the court in the Mississippi Action vacated the Preliminary Injunction on April 6, 2018;

WHEREAS, on April 10, 2018, pursuant to N.Y. Civil Procedure Law and Rules ("CPLR") 5225, 5227, and 5239, Respondent wired \$43,246,941.75 from the Account to Petitioner; and

WHEREAS, it is hereby stipulated and agreed by and between the undersigned attorneys, subject to the approval of this Court, that a Final Judgment be entered in this action as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, further to the Stipulation and upon consent of the parties, that, pursuant to CPLR 5209, Respondent is discharged from any liability with respect to payment of funds in the Account that may be brought by Petitioner, Judgment Debtor the Bolivarian Republic of Venezuela, or Proposed Intervenor The Ministry of Defense of the Bolivarian Republic of Venezuela.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any other claims relating to the Trust Agreement of the Account or the funds therein that may be asserted by any party are hereby forever barred.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the levy on Respondent, dated August 3, 2017, pursuant to the Writ of Execution issued out of the action captioned *Crystallex Int'l Corp. v. Bolivarian Republic of Venezuela*, No. 17-mc-205 (VEC), in

this Court, dated July 26, 2017, is deemed satisfied and Petitioner will take no further action against Respondent with respect to the Levy against the Account or the funds therein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Motion to Intervene and Dismiss the Petition, or Alternatively to Transfer Venue [ECF No. 12, 17 (Amended)] is terminated as moot.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Petition is dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court will retain jurisdiction of this matter for the purposes of enforcing this Final Judgment.

The Clerk is ordered to close this action and enter this Final Judgment forthwith and without further notice.

[Remainder of page intentionally left blank.]

[Signature page follows.]

Dated: May 4, 2018
New York, New York


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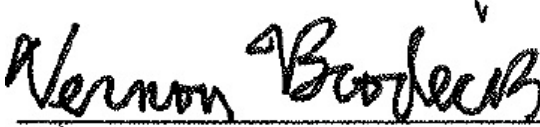
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SO ORDERED:



**HON. VERNON S. BRODERICK 5/8/2018
UNITED STATES DISTRICT JUDGE**